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Applicant: Wolfgang M. FRANZ et al. Conf.: 2640

Appl. No.: 09/068,751 Group: 1635

Filed: November 2, 1998 Examiner: M. Schmidt

For: GENE-THERAPEUTIC NUCLEIC ACID  
CONSTRUCT, PRODUCTION OF SAME AND USE  
OF SAME IN THE TREATMENT OF HEART  
DISEASE

#21/K.T.  
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K

December 4, 2001

Transmitted herewith is an amendment in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ The enclosed document is being transmitted via facsimile.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	26	-	58	=	0	\$18	\$0.00
INDEPENDENT	4	-	1	=	0	\$84	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$280	\$0.00
						TOTAL	\$0.00

Appl. No. 09/068,751

- ☐ Petition for ( ) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is(are) enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark U. Nuell #36,623  
Mark U. Nuell, #36,623

DRN/crt  
0690-0110P

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ATTACHMENT

(Rev. 09/27/01)

Docket No. 0690-0110P

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wolfgang M. FRANZ et al. Conf: 2640  
APPLN. NO.: 09/068,751 GROUP: 1635  
FILED: November 2, 1998 EXAMINER: M. Schmidt  
FOR: GENE-THERAPEUTIC NUCLEIC ACID CONSTRUCT,  
PRODUCTION OF SAME AND USE OF SAME IN THE  
TREATMENT OF HEART DISEASE

#21 / E

**AMENDMENT**

Assistant Commissioner of Patents  
Washington, DC 20231

December 4, 2001

Sir:

Further to the Request for Continued Examination filed September 28, 2001 and the interview with the Examiner held November 16, 2001, the following amendments and remarks are respectfully submitted.

***In the Specification:***

Please replace the second paragraph beginning on page 15, line 7, with the following rewritten paragraph:

E<sup>2</sup>  
- Figs. 10A-C show the nucleic acid sequence of a 2216 base pair-long promoter of the MLC-2v gene of rats (SEQ.ID. NO:1), lying upstream of the transcription starting point (+1). The nucleic acids of positions 1-156 encode for the packaging